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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,291	11/10/2003	George C. Schedivy	8002A-86	5428
22150	7590	09/07/2006	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			LARSON, JUSTIN MATTHEW	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/705,291	Applicant(s) SCHEDIVY, GEORGE C.	
	Examiner Justin M. Larson	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 and 38-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-37 and 42-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 11/10/03 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement.

Election/Restrictions

2. This application contains claims directed to the following patentably distinct species:

- I. A video system slidably mounted within the side of a vehicle seat as shown in Figures 3A-10C, claims 1-19, 37-41.
- II. A video system mounted to a vehicle headrest, as shown in Figures 11A-12B, claims 20-37, 42-49.

Inventions I and II are directed to related products. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed have materially different designs as one is built into the interior of a vehicle seat, requiring a modified vehicle seat, and the other is merely placed over a vehicle seat headrest, not requiring a modified vehicle seat. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic. It should be noted that claim 37 is broad enough to read on both species.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

3. During a telephone conversation with Mike Morano on 8/30/06 a provisional election was made with traverse to prosecute the invention of species II, claims 20-37 and 42-49. Affirmation of this election must be made by applicant in replying to this

Office action. Claims 1-19 and 38-41 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 20-25, 29-33, 37, and 42-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshioka (JP 06197245 A).

Regarding claims 20, 37, 42, and 43, Yoshioka discloses a video system, comprising a display and a media source (video camera) supported by a housing (3) attached to at least one rigid member or mounting post (2) adjustably coupled to at least one headrest support member (9) of a seat in a vehicle. Regarding claim 21, the rigid member of Yoshioka is coupled to the at least one headrest support member using a bracket (1). Regarding claim 22, the bracket of Yoshioka is in the shape of a ring as it wraps around the headrest supports and includes a locking mechanism (5/6).

Regarding claims 23 and 44, the rigid member of Yoshioka is attached to the housing via a moveable joint (16). Regarding claims 24 and 45, the rigid member of Yoshioka is capable of being fixed to the headrest supports in a plurality of positions along the y-axis (up/down). Regarding claims 25 and 46, the rigid member of Yoshioka is fixed using a locking nut (6). Regarding claim 29, materials can either be bendable or unbendable. Therefore, the housing of Yoshioka must be one of the two. Regarding

claim 30, the housing of Yoshioka includes an opening (20) that provides access to the media source (video camera). Regarding claim 31, a user could also view the display of the video camera through the hole (20) if they so desired. Regarding claims 32 and 33, the display and media source (video camera) are capable of being removed from the housing.

6. Claims 20, 26-37, and 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al. (US 6,380,978 B1).

Regarding claims 20 and 37, Adams et al. disclose a video system, comprising a display (14) and a media source (26) supported by a housing (12) attached to at least one rigid member (upper portion of the seat attachment to which the housing is shown to be snapped to, Figure 2A) adjustably coupled to at least one headrest support member of a seat in a vehicle (note that if a user wants, the rigid support member of Adams et al. could be attached to only one of the headrest supports instead of both). Regarding claims 26, 27, 47, and 48, the video system of Adams et al. comprises a wedge positioned between the seat and the housing (Figure 2A). Regarding claims 28 and 49, the wedge is capable of being fixed in a plurality of positions in the z-axis (forward), for instance, when the book (or whatever object is shown) in Figure 2A is large enough to extend up and behind the wedge, pushing it outward toward the rear of the vehicle. Regarding claim 29, materials can either be bendable or unbendable. Therefore, the housing of Adams et al. must be one of the two. Regarding claim 30, the housing of Adams et al. includes an opening (DVD slot) that provides access to the media source. Regarding claim 31, the housing of Adams et al. includes an opening for

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allowing a view of the display. Regarding claims 32 and 33, the display and media source Adams et al. are capable of being removed from the housing. Regarding claim 34, the video system of Adams et al. is shown to have a power port (Figure 2A). Regarding claim 35, the media source of Adams et al. is slot-type. Regarding claim 36, the media source of Adams et al. includes a DVD player.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka as applied above in view of Tanaka et al. (US 5,729,291 A).

Regarding these claims, Yoshioka discloses the claimed invention but fails to specify the details of the video camera, i.e. it having an a/v port, a slot-type media source, and being capable of playing videocassettes. Tanaka et al., however, disclose a video camera and teach that the camera has an a/v port (57), a slot-type media device (16), and can play videocassettes (15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to support the camera of Tanaka et al. on the device of Yoshioka so that they could easily mount their camera in a vehicle, whether for shooting footage or simply for transport.

Conclusion

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 7am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML
8/30/06


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER